

**IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE: BEXTRA AND CELEBREX
MARKETING AND SALES PRACTICES
AND PRODUCT LIABILITY LITIGATION

MDL Docket No. 1699

Judge Charles R. Breyer

GERALD AELLIG, etc., et al.,

Plaintiff,

STIPULATION AND ~~PROPOSED~~
ORDER OF DISMISSAL
WITHOUT PREJUDICE

v.

CASE NO. 3:05-cv-4780-CRB

G.D. SEARLE LLC, et al.,

Defendants.

IT IS HEREBY STIPULATED AND AGREED by and between counsels for the Plaintiffs and counsel for the Defendants that the Complaint of Plaintiff Barbara Thress, individually and on behalf of Darrel Thress, deceased, is hereby dismissed without prejudice.

1. Plaintiff is Barbara Thress; defendants are Pfizer, Inc., Pharmacia Corporation, Monsanto Company, and G.D. Searle L.L.C.;
2. On April 5, 2006, plaintiff sued defendants;
3. Plaintiff moves to dismiss her claims against defendants;
4. This case is not a class action;
5. A receiver has not been appointed to this action;

6. Plaintiff has not dismissed an action based on or including the same claims as those present in this suit.

7. Should Plaintiff or a representative of Plaintiff attempt to re-file her claims against Defendants, they shall do so only by filing said claims in federal court.

Respectfully submitted:

Dated: 4/18/07

By: Gerald B. Taylor, Jr.
Gerald B. Taylor, Jr. (AL State Bar No. TAY026)
Email: jerry.taylor@beasleyallen.com
Navan Ward, Jr. (AL State Bar No. WAR062)
Email: navan.ward@beasleyallen.com
Andy D. Birchfield, Jr. (AL State Bar No. BIR006)
Email: andy.birchfield@beasleyallen.com
BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
Post Office Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343 telephone
(334) 954-7555 facsimile
Attorneys for Plaintiff Barbara Thress

Dated: 4/23/07

GORDON & REES
By: Stuart M. Gordon
Stuart M. Gordon, Esq.
Embarcadero Center West
275 Battery Street 20th Floor
San Francisco, CA 9411
(415) 986-5900 (Tel.)
(415) 986-8054 (Fax)
Defendant's Liaison Counsel

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 24, 2007

Honorable Charles R. Breyer
United States District Court

